



General Assembly

January Session, 2017

Committee Bill No. 326

LCO No. 3762



Referred to Committee on PUBLIC HEALTH

Introduced by:
(PH)

***AN ACT CONCERNING ACCESS TO MEDICAL RECORDS AND THE
FEES CHARGED FOR MEDICAL RECORDS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 20-7c of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2017*):

3 (a) For purposes of this section, "clinical laboratory" has the same
4 meaning as provided in section 19a-30. "Clinical laboratory" does not
5 include any state laboratory established by the Department of Public
6 Health pursuant to section 19a-26 or 19a-29.

7 (b) Except as provided for in subsection [(e)] (i) of this section, a
8 provider shall (1) supply to a patient upon request complete and
9 current information possessed by that provider concerning any
10 diagnosis, treatment and prognosis of the patient, and (2) notify a
11 patient of any test results in the provider's possession or requested by
12 the provider for the purposes of diagnosis, treatment or prognosis of
13 such patient. In addition, upon the request of a patient or a provider
14 who orders medical tests on behalf of a patient, a clinical laboratory
15 shall provide medical test results relating to the patient to (A) the

16 patient, or (B) any other provider who is treating the patient for the
17 purposes of diagnosis, treatment or prognosis of such patient.

18 (c) A provider, who requests that his or her patient submit to
19 repeated medical testing at regular intervals, over a specified period of
20 time, for purposes of ascertaining a diagnosis, prognosis or
21 recommended course of treatment for such patient, may issue a single
22 authorization that allows the entity that conducts such medical testing,
23 including, but not limited to, a clinical laboratory, to directly
24 communicate the results of such testing to the patient for the period of
25 time that such testing is requested by the provider.

26 (d) [Upon] Except as provided in subsection (i) of this section and
27 section 4-194, upon a written request of a patient, a patient's attorney
28 or authorized representative, or pursuant to a written authorization, a
29 provider [, except as provided in section 4-194,] shall furnish to the
30 person making such request a copy of the patient's health record,
31 including but not limited to, bills, x-rays and copies of laboratory
32 reports, contact lens specifications based on examinations and final
33 contact lens fittings given within the preceding [three months] three-
34 month period or such longer period of time as determined by the
35 provider but no longer than [six months] a six-month period, records
36 of prescriptions and other technical information used in assessing the
37 patient's health condition.

38 (e) No provider shall refuse to return to a patient original records or
39 copies of records that the patient has brought to the provider from
40 another provider. When returning records to a patient, a provider may
41 retain copies of such records for the provider's file, provided such
42 provider does not charge the patient for the costs incurred in copying
43 such records.

44 (f) No provider shall charge more than (1) sixty-five cents per page,
45 [including any research fees, handling fees or related costs, and the
46 cost of first class postage, if applicable, for furnishing a health record
47 pursuant to this subsection, except such provider may charge a

48 patient] (2) twenty dollars for research and handling fees for
49 furnishing a paper or electronic copy of a health record, or any part
50 thereof, pursuant to this section, except no research and handling fees
51 shall be charged for furnishing a paper or electronic copy of a health
52 record to (A) a patient, or (B) an attorney for a patient who has
53 previously made a request of such provider for the patient's health
54 record and obtained a copy of such health record, provided (i) the
55 attorney requests only the part of such health record that has been
56 generated since the date of the initial request, (ii) the part of such
57 health record furnished under this subparagraph is maintained in the
58 same health records system as the health record previously furnished
59 to such attorney, (iii) the part of such health record furnished under
60 this subparagraph was not included in the health record furnished in
61 response to the initial request, and (iv) the request is made not more
62 than twelve months after the date the health record furnished in
63 response to the initial request was sent or delivered to the attorney,
64 and (3) one hundred fifty-five dollars for furnishing an electronic copy
65 of a health record, or any part thereof, pursuant to this subsection.
66 Except as otherwise provided in this section, a provider may charge a
67 patient or other person (I) for the cost of first class postage for
68 furnishing a copy of a health record pursuant to this section, (II) the
69 amount necessary to cover the cost of materials for furnishing a copy
70 of an x-ray, [provided no such charge shall be made] and (III) a
71 certification fee of not more than ten dollars, if certification of the
72 health record is requested. No provider shall charge for furnishing a
73 paper or electronic copy of a health record, or part thereof, to a patient,
74 a patient's attorney or authorized representative if the health record [or
75 part thereof] is necessary for the purpose of supporting a claim or
76 appeal under any provision of the Social Security Act or a claim or
77 appeal for veterans' benefits under any provision of Title 38 of the
78 United States Code or chapter 506 and the request for the health record
79 is accompanied by documentation of the claim or appeal.

80 (g) A provider shall furnish a health record requested pursuant to
81 this section [within] not later than thirty days [of] after the request.

82 (h) No health care provider, who has purchased or assumed the
83 practice of a provider who is retiring or deceased, may refuse to return
84 original records or copied records to a patient who decides not to seek
85 care from the successor provider. When returning records to a patient
86 who has decided not to seek care from a successor provider, such
87 provider may not charge a patient for costs incurred in copying the
88 records of the retired or deceased provider.

89 [(e)] (i) If a provider reasonably determines that the information is
90 detrimental to the physical or mental health of the patient, or is likely
91 to cause the patient to harm himself, herself or another, the provider
92 may withhold the information from the patient. The information may
93 be supplied to an appropriate third party or to another provider who
94 may release the information to the patient. If disclosure of information
95 is refused by a provider under this subsection, any person aggrieved
96 thereby may, [within] not later than thirty days [of] after such refusal,
97 petition the superior court for the judicial district in which such person
98 resides for an order requiring the provider to disclose the information.
99 Such a proceeding shall be privileged with respect to assignment for
100 trial. The court, after hearing and an in camera review of the
101 information in question, shall issue the order requested unless it
102 determines that such disclosure would be detrimental to the physical
103 or mental health of the person or is likely to cause the person to harm
104 himself, herself or another.

105 [(f)] (j) The provisions of this section shall not apply to any
106 information relative to any psychiatric or psychological [problems or
107 conditions] illness or condition.

108 [(g)] (k) In the event that a provider abandons his or her practice,
109 the Commissioner of Public Health may appoint a licensed health care
110 provider to be the keeper of the records. [, who] The keeper of the
111 records shall be responsible for disbursing the original health records
112 to the provider's patients, upon the request of any such patient.

113 [(h)] (l) The Commissioner of Public Health shall adopt regulations,

114 in accordance with the provisions of chapter 54, to carry out the
115 provisions of this section.

116 Sec. 2. Section 19a-490b of the general statutes is repealed and the
117 following is substituted in lieu thereof (*Effective October 1, 2017*):

118 (a) Upon the written request of a patient or the patient's attorney or
119 authorized representative, or pursuant to a written authorization, an
120 institution licensed pursuant to this chapter shall furnish to the person
121 making such request a copy of the patient's health record, including
122 but not limited to, copies of bills, laboratory reports, prescriptions and
123 other technical information used in assessing the patient's health
124 condition. In addition, an institution shall provide the patient or the
125 patient's designated health care provider with a reasonable
126 opportunity to examine retained tissue slides and retained pathology
127 tissue blocks. Upon the written request of the patient, the patient's
128 attorney or the patient's designated health care provider, an institution
129 shall send the original retained tissue slide or original retained tissue
130 block directly to the patient's designated licensed institution,
131 laboratory or physician. If the original slide or block is not available or
132 if a new section cut of the original slide or block is a fair representation
133 of the original slide or block, then the institution may send the new
134 section cut, [which] that is clearly labeled as a new section cut, to the
135 patient's designated health care provider. Any patient or [the] a
136 patient's attorney or authorized representative who is provided with
137 an original retained slide, tissue block or a new section under the
138 provisions of this subsection shall be solely responsible for
139 safeguarding and returning the slide, block or new section to the
140 institution. Any institution [or laboratory] that has released an original
141 slide, an original tissue block or new section pursuant to the provisions
142 of this subsection shall not be subject to any liability arising out of
143 releasing or not retaining the slide, block or new section and no cause
144 of action for damages shall arise against any such institution for
145 releasing or not retaining the slide, block or new section. [No such
146 institution shall charge more than sixty-five cents per page, including

147 any research fees, clerical fees, handling fees or related costs, and the
148 cost of first class postage, if applicable, for furnishing or providing
149 access to a health record pursuant to this subsection, except such an
150 institution may charge the amount necessary to cover its cost of
151 materials for furnishing a copy of an x-ray or for furnishing an original
152 retained slide, an original tissue block or a new section cut from a
153 retained pathology tissue block.] An institution shall furnish a copy of
154 a patient's health record to the patient or the patient's attorney or
155 authorized representative making a written request for such health
156 record not later than thirty days after the date of the request, except
157 when such request is made less than thirty days after the date of the
158 patient's discharge from the institution, in which case the institution
159 shall furnish the requested health record upon its completion. For
160 purposes of this subsection, "health care provider" means an institution
161 [or laboratory] licensed under this chapter or licensed in the state
162 where located or a physician licensed under chapter 370 or licensed in
163 the state where located.

164 (b) No institution shall charge more than (1) sixty-five cents per
165 page, (2) twenty dollars for research and handling fees for furnishing a
166 paper or electronic copy of a health record, or any part thereof,
167 pursuant to this section, except no research and handling fees shall be
168 charged for furnishing a paper or electronic copy of a health record to
169 (A) a patient, or (B) an attorney for a patient who has previously made
170 a request for the patient's health record, provided (i) the attorney
171 requests only the part of such health record that has been generated
172 since the date of the initial request, (ii) the part of such health record
173 furnished under this subparagraph is maintained in the same health
174 records system as the health record previously furnished to such
175 attorney, (iii) the part of such health record furnished under this
176 subparagraph was not included in the health record furnished in
177 response to the initial request, and (iv) the request is made not more
178 than twelve months after the date the health record furnished in
179 response to the initial request was sent or delivered to the attorney,
180 and (3) one hundred fifty-five dollars for furnishing an electronic copy

181 of a health record, or any part thereof, pursuant to this section. Except
182 as otherwise provided in this section, an institution may charge a
183 patient or other person (I) for the cost of first class postage for
184 furnishing a copy of a health record pursuant to this section, (II) the
185 amount necessary to cover the cost of materials for furnishing a copy
186 of an x-ray or for furnishing an original retained slide, an original
187 tissue block or a new section cut from a retained pathology tissue
188 block, and (III) a certification fee of not more than ten dollars, if
189 certification of the health record is requested.

190 [(b)] (c) No institution [licensed pursuant to this chapter] shall
191 charge for furnishing a paper or electronic copy of a health record, or
192 part thereof, to a patient, [his] a patient's attorney or [conservator]
193 authorized representative if the health record [or part thereof] is
194 necessary for the purpose of supporting a claim or appeal under any
195 provision of the Social Security Act or a claim or appeal for veterans'
196 benefits under any provision of Title 38 of the United States Code or
197 chapter 506 and the request for the [records] health record is
198 accompanied by documentation of the claim or appeal. [An institution
199 shall furnish the requested record within thirty days of the request,
200 unless the request was received in less than thirty days subsequent to
201 the date the patient was discharged, in which case the institution shall
202 furnish the requested record upon its completion.]

203 [(c) Each] (d) An institution [licensed pursuant to this chapter] shall
204 maintain information regarding each patient's status as a veteran, as
205 defined in subsection (a) of section 27-103. Said information shall be
206 made available, upon request, to any duly authorized representative of
207 the Department of Veterans Affairs.

208 [(d)] (e) No institution may deny a person the records available
209 under subsection (a) of this section because of the person's inability to
210 pay the required fees. An affidavit from such person attesting to an
211 inability to pay such fees shall be presumptive evidence thereof.

212 [(e) Each institution licensed pursuant to this chapter] (f) An

213 institution that ceases to operate shall, at the time it relinquishes its
 214 license to the department, provide to the department a certified
 215 document specifying: (1) The location at which patient health records
 216 will be stored; (2) the procedure that has been established for patients,
 217 former patients or their authorized representatives to secure access to
 218 such health records; (3) provisions for storage, should the storage
 219 location cease to operate or change ownership; and (4) that the
 220 department is authorized to enforce the certified document should the
 221 storage location cease to operate or change ownership. An institution
 222 that fails to comply with the terms of a certified document provided to
 223 the department in accordance with this subsection shall be assessed a
 224 civil penalty not to exceed one hundred dollars per day for each day of
 225 noncompliance with the terms of the certified agreement.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2017	20-7c
Sec. 2	October 1, 2017	19a-490b

Statement of Purpose:

To make changes to the statutes concerning access to medical records and the fees charged for medical records to conform to the health care industry.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]

Co-Sponsors: SEN. MARKLEY, 16th Dist.

S.B. 326